

REMARKS

The Examiner is thanked for the thorough review and consideration of the present application. The final Office Action dated September 10, 2003 has been received and its contents carefully reviewed. Claims 42, 44-56 and 58-69 are pending. Reconsideration and withdrawal of the rejection in view of the following remarks are requested.

In the Office Action, claims 42, 44-56 and 58-69 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-41 of U.S. Patent No. 6,281,957 in view of U.S. Patent No. 5,852,485, issued to Shimada et al ("Shimada"), and U.S. Patent No. 5,929,958, issued to Ohta et al ("Ohta"). Applicants respectfully disagree with the Examiner's rejection. However, for the sole purpose of expediting the prosecution of this application, Applicants respectfully submit herewith a terminal disclaimer.

Further, Applicants respectfully traverse the rejection because neither Shimada nor Ohta, analyzed alone or in combination, teach or suggest the combined features recited in the claims of the present invention. In particular, Shimada and Ohta fail to teach or suggest an in-plane switching liquid crystal display device that includes, among other features, "a passivation layer formed substantially on the common line and thin film transistors" as recited in independent claim 42; and a method of forming an in-plane switching liquid crystal display device that includes, among other features, "forming a passivation layer substantially on the common line and thin film transistors" as recited in independent claim 56.

Because neither Shimada nor Ohta teaches or suggests at least the above features of claims 42 and 56, Shimada and Ohta, singly or in combination, would not provide a device and method having all the features recited in the claims of the present application. As such, Applicants respectfully submit that independent claim 42 and its dependent claims 44-55 and independent claim 56 and its dependent claims 58-69 are allowable over Shimada and Ohta. Reconsideration and withdrawal of the rejection of claims 42, 44-56 and 58-69 are respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested

Application No.: 09/694,574
Amendment dated December 8, 2003
Reply to Office Action dated September 10, 2003

Docket No.: 8733.007.20-US

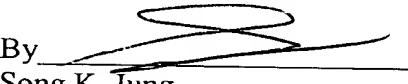
to pass this application to issue. If the Examiner deems that a telephone conversation would further the prosecution of this application, the Examiner is invited to call the undersigned at (202) 496-7500.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: December 8, 2003

Respectfully submitted,

By


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